IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

WP(C).No. 10711 of 2007(A)

PETITIONERS:

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1. THANKAPPAN.K., ERICKALATHU VILA-
   PUTHENVEEDU, AYIRAYIL DESOM, AYIRA P.O.,
   PARASSALA, THIRUVANANTHAPURAM.

2. SWARNAMMA, W/O.THANKAPPAN, DO. DO.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
   SECRETARY TO GOVERNMENT IN THE DEPARTMENT OF
   REVENUE, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   THIRUVANANTHAPURAM.

3. THE DIRECTOR OF RESURVEY,
   THIRUVANANTHAPURAM.

4. THE DEPUTY DIRECTOR OF RE SURVEY,
   NEYYATTINKARA.

5. THE SUPERINTENDENT OF RE SURVEY,
   ALC, NEYYATTINKARA.

6. THE VILLAGE OFFICER, KARODE VILLAGE,
   NEYYATTINKARA.

7. PUSHPAM, W/O.THANKARAJ,
   KARIYAKKANPAZHANJI PUTHEN BUNGLOW, AYIRA PO,
   KARODE.

8. THANKARAJ, S/O.CHELLA KANNU NADAR,
   KARIYAKKANPAZHANJI PUTHEN BUNGLOW,

AYIRA P.O., KARODE.

9. CHELLA KANNU NADAR,
KARIYATHAN PAZHINJI VEEDU, AYIRA P.O.,
KARODE VILLAGE, NEYYATTINKARA.

BY GOVT. PLEADER SMT.M.K.PUSHPALATHA – R1 TO R6

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO.10711 OF 2007-A

JUDGMENT

The petitioners are aggrieved by Ext.P5, which is the relevant extract of survey records, issued in Form No.7, in which a portion of the petitioners' property is shown as mutated in favour of the 7th respondent. The appeal filed by them against Ext.P5 has been rejected by the Assistant Director of Re-Survey, by Ext.P8 communication. This writ petition is filed, challenging Exts.P5 and P8. But, the petitioners' rights are protected by Rule 16 of the Transfer of Registry Rules, which reads as follows:

> "16. The summary enquiry and decision thereon is only an arrangement for fiscal purposes and does not affect the legal rights of any person in respect of the lands covered by the decisions in transfer of registry cases. The question of legal rights is always subject to adjudication by Civil Courts and pattas will be revised from time to time in accordance with judicial decisions."

In view of the above position, neither Ext.P5 nor Ext.P8 has the efficacy to affect the right of the petitioners. They can establish their rights before the competent civil court and thereafter move for appropriate correction in the revenue records. The learned counsel for the petitioners pointed out that the matter is already pending before the civil court. So, without prejudice to the

contentions of the petitioners and their right to pursue the remedy available to them before the civil court, this Writ Petition is closed.

28th March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/